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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,839	02/28/2002	Zohar Yakhini	10020406-1	3314

7590 03/10/2005
A GILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

RAYMOND, EDWARD

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,839

Applicant(s)

YAKHINI ET AL.

Examiner

Edward Raymond

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/24/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 4, and 5** are rejected under 35 U.S.C. 102(e) as being anticipated by Zuzan et al.

Zuzan et al. teach a method for extracting data from a scanned image of an array composed of pixels having one or more associated intensity values (Claim 1: see Figure 4: Step 100); the method comprising: computing row and column vectors by horizontal and vertical projection of pixel intensity values (Claim 1: see Figures 3A-3D); computing corner-feature-image positions from the horizontal and vertical pixel-value projections (Claim 1: see paragraph 121); constructing a feature coordinate system using the computed corner- feature-image positions to index feature images in the scanned image of the array (Claim 1: see paragraph 121); and using the coordinate system to index and extract data from feature images within the scanned image of the array (Claim 1: see paragraph 6).

Zuzan et al. teach a method for extracting data from a scanned image of an array composed of pixels having one or more associated intensity values (Claim 2: see Figure

4: Step 100), the method comprising: indexing images of features within the scanned image of the array by constructing an initial feature coordinate system (Claim 2: see paragraph 74); rotating the feature coordinate system over a range of rotational angles in order to precisely align the feature coordinate system with feature images within the scanned image of the array (Claim 2: see paragraph 79: The Examiner notes that the alignment technique involves rotating when necessary); and using the coordinate system to index and extract data from feature images within the scanned image of the array (Claim 2: see paragraph 6).

Zuzan et al. teach a method for extracting data from a scanned image of an array composed of pixels having one or more associated intensity values (Claim 4: see Figures 3A-3D), the method comprising: indexing images of features within the scanned image of the array by constructing and refining a feature coordinate system (Claim 4: see paragraph 74); for each indexed feature image, selecting a set of pixels within the feature image from which to compute one or more feature intensity signals (Claim 4: see Figures 3A-3D); and extracting data from the selected set of pixels for each feature image within the scanned image of the array (Claim 4: see paragraph 6).

Zuzan et al. teach a method for extracting data from a scanned image of an array composed of pixels having one or more associated intensity values (Claim 5: see Figure 4: Step 100), the method comprising: indexing images of features within the scanned image of the array by constructing (Claim 5: see paragraph 74) and refining a feature coordinate system (Claim 5: see paragraph 81); for each indexed feature image, selecting a set of pixels within the feature image from which to compute one or more

feature intensity signals (Claim 5: see Figures 3A-3D); and extracting two or more background-subtracted and normalized feature signal intensities from the selected set of pixels for each feature image within the scanned image of the array (Claim 5: see Figure 2).

Allowable Subject Matter

3. **Claim 3** is allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: Zuzan et al. teach all of the features of the claimed invention, except specifically indexing images of the features within the scanned image of the array by constructing an initial feature coordinate system and rotating the feature coordinate system over a range of rotational angles in order to precisely align the feature coordinate system with feature images within the scanned image of the array; extracting data from indexed feature images of the identified strong features; and using a linear regression technique to refine the feature coordinate system based on the precisely determined coordinates of the images of the identified strong features.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

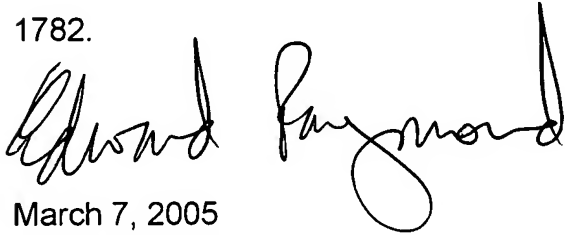
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for

Art Unit: 2857

the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

1782.

A handwritten signature in black ink, appearing to read "Edward Raymond". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

March 7, 2005
Edward Raymond
Patent Examiner
Art Unit 2857